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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
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| 08/397,225      | 03/28/95    | PERRICAUDET          | EX9301561-US        |

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| EXAMINER  |
| FRIEBE, S |

| ART UNIT | PAPER NUMBER |
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| 1632     | 34           |

DATE MAILED: 10/18/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



UNITED STATES DEPARTMENT OF COMMERCE  
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| 08/397,225    |             |                       |                     |

| EXAMINER        |              |
|-----------------|--------------|
| Scott D. Priebe |              |
| ART UNIT        | PAPER NUMBER |
| 1632            | 34           |

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

***Interference***

The following allowable claim is suggested for the purpose of an interference:

A replication-defective adenovirus comprising an adenoviral genome that requires, for replication, complementation *in trans* of an essential gene function in each of at least two or more adenoviral early regions selected from the group consisting of the E1, E2A, and E4 regions of an adenoviral genome,

wherein the adenovirus comprises one or more functional early or late region genes of an adenoviral genome and requires complementation of an essential gene function in each of at least the E2A and E4 regions, and

wherein the adenovirus comprises a heterologous DNA sequence.

The suggested claim must be copied exactly, although other claims may be proposed under 37 CFR 1.605(a).

Applicant should make the suggested claim within ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer. Failure to do so will be considered a disclaimer of the subject matter of this claim under the provisions of 37 CFR 1.605(a). THE PROVISIONS OF 37 CFR 1.136(a) DO NOT APPLY TO THIS TIME PERIOD.

Claim considered unpatentable over this suggested claim.

Certain papers related to this application may be submitted to Art Unit 1632 by facsimile transmission. The FAX number is (703) 308-4242 or 305-3014. The faxing of such papers must conform with the notices published in the Official Gazette, 1156 OG 61 (November 16, 1993) and 1157 OG 94 (December 28, 1993) (see 37 CFR 1.6(d)). NOTE: If applicant does submit a paper by FAX, the original copy should be retained by applicant or applicant's representative. NO DUPLICATE COPIES SHOULD BE SUBMITTED, so as to avoid the processing of duplicate papers in the Office.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott D. Priebe whose telephone number is (703) 308-7310. The examiner can normally be reached on Monday through Friday from 8 AM to 4 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karen M. Hauda, can be reached on (703) 305-6608.

Any inquiry concerning administrative, procedural or formal matters relating to this application should be directed to Patent Analyst Patsy Zimmerman whose telephone number is (703) 308-8338. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

*Scott D. Priebe*

Scott D. Priebe, Ph.D.  
Primary Examiner  
Technology Center 1600  
Art Unit 1632